REMARKS

Claims 1-6 are pending in the present application and were rejected as follows. Claims 1 and 2 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,377,664 (Gerszberg) in view of U.S. Patent No. 6,449,498 (Kirbas). Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0014459 (Shanahan). Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gerszberg in view of Kirbas.

Gerszberg teaches a video answering machine which sends video messages to a calling party—as opposed to a called party, as recited in the Claims of the present application. In this regard, Gerszberg discloses a video enabled answering machine including customized video announcement messages, caller ID based video announcement messages, and time based video announcement messages to greet the caller i.e., the calling party as opposed to the called party which receives the call. Thus, Gerszberg discloses an answering machine that allows the use of different greetings to be transmitted to the caller (as opposed to the called party). As such, Gerszberg merely sends a message from a called party's phone to a calling party's phone, which is similar to a conventional answering machine sending a voice greeting to calling party's phone. Furthermore, as Gerszberg is directed to an answering machine (which is similar to conventional voice-only answering machines with a difference being that it may transmit a video message (as opposed to a voice-only message) to a called party's phone), Gerszberg cannot teach or suggest using different ringing tones.

Kirbas discloses a method and a system for displaying a banner (e.g., an idle mode screen display) comprising a simple image, in a communication device. Kirbas also teaches if today is a predetermined date, the selected banner is displayed. However, Kirbas does not disclose the operation process when receiving the call. In other words, according to that which is taught by Kirbas, the banner is not operated upon when receiving a phone call. In contrast to that which is taught by Kirbas, according to the present application and recited by the Claims, an apparatus and a method of alerting a user of an occasion date using a specific image as an idle mode screen for alerting a user of the occasion date when a call is received on an occasion date in the idle mode screen, is disclosed. However, as previously stated, this concept is neither taught nor suggested by Kirbas.

Shanahan discloses playing a signature file when a phone rings.

Regarding the rejection of independent Claim 1 under 35 U.S.C. §103(a), the Examiner states that the combination of Kirbas and Gerszberg teaches each and every limitation of Claim 1. More particularly, the Examiner states that Gerszberg does not teach or suggest an idle mode screen displaying function and changing the first predetermined image to a second predetermined image and uses Kirbas to cure this deficiency. After reviewing Kirbas, it is respectfully submitted that the Examiner is incorrect.

Claim 1 includes the recitation of changing a first predetermined image to a second predetermined image if today is the registered occasion date to remind the user of the registered

occasion date. In other words, as recited by Claim 1, two distinct steps are performed, i.e., a changing step and a display step. This changing step sets the image as opposed to changing a display of a displayed banner as taught by Kirbas. In other words, Kirbas teaches changing the display i.e., changing that which is displayed as opposed to setting an image before it is displayed. Accordingly, since Kirbas does not cure the deficiencies of Gerzberg, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claim 1 be withdrawn.

Regarding the rejection under 35 U.S.C. §103(a) of independent Claim 3, although the Examiner acknowledges that Shanahan does not teach or suggest changing the first predetermined ring sound to a second predetermined ring sound, the Examiner asserts that this step is obvious. After reviewing Shanahan, it is respectfully submitted that the Examiner is incorrect.

While it is conceded that Shanahan teaches playing different audio or video files when a person calls (e.g., see, Paragraph 45), Shanahan teaches these files are activated when a certain person calls. However, Shanahan does not teach or suggest a changing step when the person calls. Rather, as stated above, Shanahan teaches playing certain files when a certain person calls. In other words, Shanahan teaches a selection step as opposed to a changing step as recited by the claims of the present application. Accordingly, as Shanahan does not teach or suggest each and every limitation of Claim 3, it is respectfully requested that the rejection of Claim 3 under 35 U.S.C. §103(a) be withdrawn.

Regarding the Examiner's rejection under §103(a) of independent Claim 5, the Examiner states that the combination of Gerszberg and Kirbas teaches each and every limitation of Claim 5, and acknowledges that Gerzberg does not teach an idle mode screen displaying function. However, the Examiner uses Kirbas to cure this deficiency. After reviewing Gerszberg and Kirbas, it is respectfully submitted that the Examiner is incorrect.

First, Claim 5 includes similar recitations as contained in Claim 1 and is therefore patentably distinct for at least the same reasons as set forth above with respect to the rejection of Claim 1.
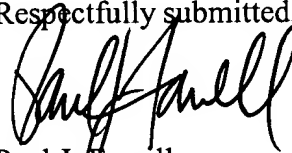
Second, Gerszberg teaches a video answering machine in which video greetings are transmitted to a calling party. This is similar in concept to conventional answering machines in which a voice-only message is transmitted to a calling party from the called party's answering machine. In other words, Gerszberg merely teaches transmitting a message that may include video from a called party's phone to a calling party's phone. Gerszberg is silent in regard to ring sounds and incoming call ring sounds. Accordingly, Gerszberg cannot teach or suggest playing a first predetermined ring sound as an incoming call ring sound, if today is not the registered occasion date, and displaying a second predetermined image and playing a second predetermined ring sound as the incoming call ring sound, if the today is the registered occasion date to remind the user of the registered occasion date, as recited in Claim 5. Moreover, this deficiency is not cured by Kirbas.

Accordingly, as the combination of Gerszberg and Kirbas does not teach or suggest each and every limitation of Claim 5, it is respectfully requested that the rejection under 35 U.S.C. §103(a) of Claim 5 be withdrawn.

Independent Claims 1, 3, and 5 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 4, and 6, these are likewise believed to be allowable by virtue of their dependence on their respective independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 4, and 6 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-6, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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